

REMARKS

Claims 1-22 are currently pending in the application. By this amendment, 1, 8, 10, 11, 14, 17, 18, 19 and 22 are amended for the Examiner's consideration. Claim 23 is canceled. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Allowed Claims

Applicants appreciate the indication that claims 12 and 13 are allowed. Applicants also appreciate the indication that claims 8, 10, 11, 16, 17, 22 and 23 contain allowable subject matter. To place the application in condition for allowance, Applicants have provided the following amendments:

1. Claim 1 has been amended to include some of the subject matter of claim 23.
2. Claim 8 has been amended into independent format to include the features of base claim 1 and any intervening claims.
3. Claim 10 has been amended into independent format to include the features of base claim 1 and any intervening claims.
4. Claim 11 has been amended into independent format to include the features of base claim 1 and any intervening claims.
5. Claim 17 has been amended into independent format to include the features of base claim 14.
6. Claim 22 has been amended into independent format to include the features of base claim 18 and any intervening claims.

Applicants further submit that claim 14 is in immediate condition for allowance. Claim 14 has been amended to recite that the diverting mechanism includes a blade, which is capable of diverting an item in either a first direction or the second opposing direction. Claim 18 has been amended to recite that the diverting mechanism has a blade and can be controlled to divert an item in either a first exit or second exit.

Applicants submit that these amendments should be entered into the record since they do not raise any new issues that need further search and/or consideration. The amendments are made to place the application in condition for allowance, or alternatively to place the application in better form for appeal. No new claims are added. Also, Applicants submit that the amendments herein have already been considered by the Examiner. For example, claims 14 and 18 include the allowable feature of claim 23, which has already been considered by the Examiner.

Rejection under 35 U.S.C. §112, 2nd paragraph

Claim 1 was rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is respectfully traversed.

Applicants have amended claim 1 to delete reference to an aligned direction and also to provide reference to the second opposing direction.

Applicants request withdrawal of the 112, 2nd paragraph, rejection.

35 U.S.C. §103 Rejection

Claims 1-7, 9, 14, 15 and 18-21 were rejected under 35 U.S.C. §103(a) over U. S. Patent No. 5,620,102 to Finch, et al. This rejection is respectfully traversed in view of the above comments.

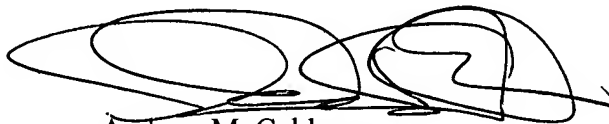
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CONCLUSION

Applicants appreciate the indication of allowable subject matter. However, in view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a large, sweeping flourish extending to the right.

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